UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/882
13 November 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1133 (1997) of 20 October 1997, in which the Council requested me to submit, no later than 15 November, a comprehensive report, including a detailed plan, a timetable and financial implications, for the holding of the referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan and the agreements reached between the parties for its implementation. In order that the United Nations Mission for the Referendum in Western Sahara (MINURSO) may proceed with its identification tasks, the Council decided, by the same resolution, to extend the mandate of the Mission until 20 April 1998 and to increase its strength in accordance with the recommendation contained in my report of 24 September (S/1997/742 and Add.1).

2. The present report covers developments since that report, including the steps taken by my Acting Special Representative, Mr. Erik Jensen, for the resumption of the identification process and other activities under the settlement plan. It includes my observations and recommendations on MINURSO's deployment for the full implementation of the plan and the agreements reached by the parties, Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), during the direct talks held under the auspices of my Personal Envoy, Mr. James A. Baker III.

II. DEVELOPMENTS DURING THE REPORTING PERIOD

United Nations technical assessment mission

3. As envisaged in my report of 24 September 1997, I dispatched a technical team to the Mission area from 7 to 15 October, to reassess the resource requirements of MINURSO for fulfilment of the settlement plan. The team held extensive discussions with MINURSO at its headquarters in Laayoune and undertook field visits to various localities in Western Sahara and to the Tindouf area in Algeria. During its mission, the team was received by representatives of the

two parties and also held informal consultations with the head of the observer delegation of the Organization of African Unity (OAU) to MINURSO.

4. The technical mission enabled the United Nations to update the logistic, personnel and other resource requirements for the deployment of MINURSO at full strength, which were last reviewed in my predecessor's report to the Security Council of 30 March 1995 (S/1995/240). Its work also made it possible to assess in more detail the operational requirements and cost estimate of MINURSO.

Identification process

5. Pursuant to Security Council resolution 1133 (1997), preparatory work was undertaken to ensure the resumption of the identification operation by 1 December. Identification files stored in the United Nations Office at Geneva were returned to Laayoune on 23 and 29 October, and a last shipment to Tindouf was completed on 6 November. Requirements for the initial reopening of four identification centres were assessed, and arrangements made with the parties to have the centres restored to full working order. In this connection, the Government of Algeria has been approached regarding the need to provide to MINURSO additional accommodation for the resumption of identification in Tindouf.

6. My Acting Special Representative held extensive high-level discussions with the parties, both of which reiterated their commitment to resuming identification expeditiously and proceeding in accordance with the practical measures agreed to during the fourth round of direct talks, held at Houston, Texas, from 14 to 16 September 1997 (see S/1997/742, annex III). The parties were informed of MINURSO's plan to open 12 centres in all, 9 of which would function concurrently. Morocco expressed readiness to provide all practical support for the resumption of identification. The Frente POLISARIO agreed to make available most of the premises previously organized as identification centres. Discussions were also held on updating the list of sheikhs eligible to testify and on arrangements for selecting and agreeing in advance to a list of alternates. With respect to the convocation lists, my Acting Special Representative granted both parties one week to check the applicants' current addresses and a maximum of three weeks to ensure that people are notified, wherever they may be. Applicants will be convoked only once, and no further applications will be accepted, barring those from any Saharan political detainees and prisoners of war. The matter of individuals, such as prisoners of war, who had thus far been excluded from applying to the referendum was also discussed by my Acting Special Representative with the parties.

7. As agreed to during the second round of direct talks, held in London on 19 and 20 July 1997 (ibid., annex I), my Acting Special Representative also notified the parties of the results, by number, of the identification process to date.

Military and civilian police aspects

8. As at 7 November 1997, the strength of the military component of MINURSO, headed by the Force Commander, Major-General Bernd S. Lubenik (Austria), stood at 223 (see annex I to the present report). Pending the commencement of the

transitional period, the military mandate of MINURSO remains restricted to monitoring and verifying the ceasefire, which came into effect on 6 September 1991. MINURSO military observers continue to conduct daily ground patrols and helicopter reconnaissance and both the Royal Moroccan Army and the Frente POLISARIO forces continue to be cooperative.

9. During the reporting period, the Secretariat consulted 22 Member States for possible contribution to the civilian police component of MINURSO, to assist the Identification Commission in its tasks. As at 10 November, 11 positive responses had been received, providing a sufficient number of police officers for the identification operation. The first four civilian police contingents are scheduled to arrive at MINURSO headquarters between 21 and 23 November 1997. Four Member States were consulted for the selection of candidates to the post of Police Commissioner.

Other aspects of the settlement plan

10. On 10 October, the independent jurist, Professor Emmanuel Roucounas, informed Mr. M'hamed Khaddad, Frente POLISARIO Coordinator with MINURSO, of his readiness to undertake a further mission to the region. He asked Mr. Khaddad to provide him by 15 November with any new information regarding Saharan political prisoners and detainees which he could then submit to the Moroccan authorities. On 25 October, my Acting Special Representative informed the Moroccan authorities of the independent jurist's proposal to visit the region in November, in the event they could provide specific information on the 167 alleged political prisoners and detainees whose names were on the list they had received in January 1997 (see S/1997/742, para. 18).

11. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) continued preparatory work for the repatriation of Saharan refugees. In this connection, UNHCR participated in the United Nations technical mission to the region from 7 to 15 October and refined its repatriation plan.

III. PLAN AND TIMETABLE FOR THE HOLDING OF THE REFERENDUM

12. Pursuant to Security Council resolution 1133 (1997), a plan for the organization and conduct of the referendum is provided below, including an overview of the main elements of the settlement plan and the agreements reached during the direct talks, as well as activities to be undertaken accordingly. The timetable is in annex II to the present report.

13. In this regard, it may be useful to recall the main elements of the settlement plan. During the transitional period, the United Nations is to organize and conduct, in cooperation with OAU, a referendum in the Territory to enable the people of Western Sahara to choose freely, without administrative or military constraints, between independence and integration with Morocco. To this end, the ceasefire is to be followed by an exchange of prisoners of war, a reduction in the Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. To ensure that the necessary conditions exist for the holding of a free and fair referendum, the United

Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, Saharan political prisoners will be released. All laws or regulations that might impede the holding of a free and fair referendum will be suspended as deemed necessary. Following the promulgation of a general and complete amnesty for all refugees and others outside the Territory who wish to return, they will be enabled to do so by the United Nations, after the latter has established their right to vote.

Authority of the United Nations and transitional period

14. In the 1988 proposals of the Secretary-General of the United Nations and the Chairman of OAU for the settlement of the question of Western Sahara (S/21360, part I), the two parties recognized that sole and exclusive responsibility for the organization and conduct of the referendum was vested in the United Nations. In their Houston declaration of 16 September 1997 (S/1997/742, annex III), the two parties stated that the United Nations was required by the settlement plan to organize and conduct a referendum that is free, fair and transparent and free from all constraints, both for participants and accredited observers. The parties stated that, accordingly, the powers and authorities of the United Nations during the transitional period would apply to ensure, among other things, complete freedom of speech and assembly, and of the press, as well as freedom of movement for personnel and property into, out of and within the Territory, thus creating a climate of public tranquillity within which a referendum free of all constraints, intimidation and harassment could be organized and conducted by the United Nations. My Special Representative would be authorized to issue regulations prohibiting graft, fraud, intimidation and harassment which could interfere with the organization and conduct of a free, fair and transparent referendum.

15. As may be recalled, the transitional period was to begin on "D-Day", with the coming into effect of the ceasefire on 6 September 1991, and was to end with the proclamation of the results of the referendum which was originally scheduled to be held in January 1992 (arrangements relating to the ceasefire are described in S/21360, paras. 51-53). However, the transitional period has been repeatedly postponed as a result of delays in preparatory work and the deadlock in the identification process, caused by differences between the parties over interpretation of the settlement plan.

16. In reviewing the plan for the holding of the referendum, it has been determined that the transitional period could start on 7 June 1998 (D-Day) and would end with the proclamation of the results of the referendum which could be held on 7 December 1998. I should like to stress, however, that this could be achieved only if identification is resumed and completed as agreed by the parties in London on 19 July and in Houston on 16 September (S/1997/742, annexes I and III) and if all other provisions of the settlement plan are implemented with the full cooperation of the parties and full support of the Security Council.

Release of Saharan political prisoners and detainees

17. During the third round of direct talks, held at Lisbon on 29 August 1997 (ibid., annex II), the parties agreed that, pursuant to the amnesty envisioned in the settlement plan, any and all Saharan political prisoners or detainees would be released before the beginning of the referendum campaign. They also agreed to cooperate fully with the independent jurist in carrying out his duties (described in S/21360, paras. 33 (b) and 70). In accordance with the original timetable, which provided for the release of Saharan political prisoners and detainees as soon as possible after D-Day, it is envisaged that this would be effected by D + 1 week, on 14 June 1998. This would enable any and all released Saharan political prisoners and detainees wishing to participate in the referendum to be interviewed and identified in time by the Identification Commission.

Release of prisoners of war

18. In Lisbon, the parties also agreed that all prisoners of war would be repatriated in accordance with the provisions of the settlement plan. They further agreed that they would continue their full cooperation with the International Committee of the Red Cross (ICRC) until the completion of the repatriation process. In accordance with the original timetable, which provided for the release of prisoners of war as soon as possible after D-Day, it is envisaged that this would also be effected by D + 1 week.

Reduction of Moroccan troops in the Territory and confinement of troops from the two parties to designated locations

19. As further agreed between the parties in Lisbon, Moroccan armed forces will be reduced and confined or contained in all respects strictly in accordance with the provisions of the settlement plan (S/21360, paras. 54-56; S/22464 and Corr.1, paras. 14-15). As agreed by the parties and the two observer countries, Algeria and Mauritania, Frente POLISARIO armed forces will be confined or contained in locations and numbers to be designated by my Special Representative as called for in the plan, provided that no more than 2,000 combatants may be confined or contained in Western Sahara east of the sand berm and no more than 300 in Mauritania. Those over and above the number designated by my Special Representative for confinement or containment in the Territory east of the berm and in Mauritania will be confined or contained in Algeria. The locations of the troops to be confined or contained in Algeria and Mauritania will be identified in coordination with the Algerian and Mauritanian authorities. These arrangements are for the sole purpose of carrying out the referendum called for in the plan. They are not to alter or otherwise affect in any way the internationally recognized boundaries of Western Sahara and are not to serve as precedent for any argument that such boundaries have been altered.

20. Pursuant to the settlement plan (S/21360, para. 55), each party will inform me of the strength and location of its military forces one week before D-Day, by 1 June 1998. The plan (S/22464 and Corr.1, para. 14) indicated that Morocco was prepared to reduce its troops in the Territory to a level not exceeding 65,000 all ranks, within a period of 11 weeks from the start of the transitional period. The then Secretary-General accepted this as an appropriate, substantial

and phased reduction in accordance with the settlement proposals. Accordingly, the reduction of Moroccan forces in the Territory is expected to be completed by 22 August 1998 and all those remaining, with the exceptions mentioned in the plan (S/21360, para. 56), would be confined by that date, with due account taken of the modalities and time required for the repatriation phase described in the present report. With regard to Frente POLISARIO forces, those who would not be eligible to vote would also be confined by that date, while all others would be regrouped with their immediate families and return to the Territory under the UNHCR repatriation programme outlined in the present report and in accordance with paragraph 74 of document S/21360.

Suspension of laws which might impede a free and fair referendum

21. Under the settlement plan (S/21360, paras. 33 (a) and 71), the Special Representative is to ensure, before the beginning of the referendum campaign, that the authorities involved suspend any law or measure which, in his judgement, could obstruct the conduct of a free and fair referendum and would not otherwise be superseded by the regulations, rules and instructions referred to in paragraph 58 of document S/21360. In accordance with the original timetable, which provided for any such law or measure to be suspended before the repatriation phase, this should be effected by 1 August 1998 (D + 8).

Repatriation of refugees, other Western Saharans resident outside the Territory and members of the Frente POLISARIO entitled to vote

22. The modalities for repatriation are described in paragraphs 33 (c) and (d) and 72 to 74 of document S/21360, and paragraphs 34 to 36 of document S/22464. The task of UNHCR, which is to carry out the repatriation programme as an integral part of the MINURSO operation, will be threefold: to ascertain and record the repatriation wishes of each Western Saharan registered as a voter by the Identification Commission; to issue the necessary documentation to the members of his or her immediate family; and to establish and manage, in cooperation with MINURSO, which will provide security, the reception centres that will be established in the Territory for the returning Western Saharans.

23. On 19 July, during their direct talks in London (S/1997/742, annex I), the parties concurred that UNHCR should begin the steps preparatory to the repatriation of refugees in accordance with the settlement plan, and agreed to cooperate with UNHCR in implementation of the repatriation programme in accordance with UNHCR's normal practice and established principles of voluntary repatriation. In this connection, it may be useful to recall those principles, taking due account of the overall mandate responsibilities of UNHCR and its role under the plan: namely, that repatriation should be voluntary and carried out under conditions of safety and dignity; refugees should have freedom of choice of intended destinations; voluntary repatriation as the preferred durable solution should be sustainable; returnees should have freedom of movement; and UNHCR's responsibilities extend to the monitoring, rehabilitation and reintegration of returnees.

24. In accordance with the settlement plan and UNHCR repatriation principles, MINURSO will ensure that all conditions conducive to safe return are met. These include the reduction and confinement of Moroccan troops present in the

Territory (paras. 19 and 20 above), the neutralization of paramilitary units in the existing police forces and arrangements for the maintenance of law and order during the transitional period (S/21360, paras. 67-69). A number of points at which returnees will be able to cross into the Territory will be designated by the Special Representative, and security at those crossing-points and at reception centres will be provided by the MINURSO Military Unit (ibid., para. 72). In this connection, mine clearing of designated repatriation routes and sites would be required, as envisaged in my predecessor's report to the Security Council of 30 March 1995 (S/1995/240, para. 33).

25. Also in accordance with the settlement plan (S/22464 and Corr.1, para. 34) and UNHCR repatriation principles, those who wish to return would do so with their immediate families. For this purpose it is envisaged that UNHCR would set up reception centres at or near the returnees' intended places of return and as close as possible to voting centres. These reception centres would be intended not as permanent but as transit stations. Returnees who might have relatives established in the Territory and wish to join them, or who might wish to leave the reception centres for other arrangements, should be enabled to do so. Others should be allowed to stay at these centres until the day of the referendum and arrangements would be made thereafter for their relocation and reintegration in their intended places of return.

26. UNHCR has taken into consideration in its planning the fact that, according to information available, more than 80 per cent of the refugees originated from areas in the western part and less than 20 per cent from the eastern part of the Territory. About 90 per cent of the estimated number of 120,000 potential returnees, comprising voters and members of their immediate families (105,000 from the Tindouf camps in Algeria, 10,000 from Mauritania and 5,000 from other areas) would be repatriated by air, and the others by road, to reception centres in five areas (three in the Territory west of the berm and two east of the berm). It should be stressed that these are indicative figures which will have to be readjusted on the basis of the final voters' list and each potential voter's wish to return to the Territory, as would be ascertained by UNHCR during the registration period.

27. UNHCR estimates that 15 weeks would be required for repatriation. If the referendum is to be held on 7 December 1998, repatriation would thus have to take place from D + 8 to D + 23 weeks (2 August-15 November). As the reduction and confinement of forces will not have been completed by then, MINURSO will ensure that the first groups of returnees will be repatriated in specific areas where the forces have already been reduced and confined at designated locations. To this effect, coordination between MINURSO and the Royal Moroccan Army will be essential.

28. A total budget of $50 million, as was originally foreseen in 1996, would be required for the implementation of the UNHCR repatriation programme under the settlement plan, of which an estimated $32 million would be for transport and logistics alone. An additional amount would be required for the UNHCR rehabilitation and reintegration programme in 1999 as foreseen in the proposed timetable, for which UNHCR would revert back separately after a further assessment of needs. UNHCR intends to launch a special appeal from mid-January 1998.

Organization and conduct of the referendum

29. Under the settlement plan (S/21360, para. 59), the responsibility of the United Nations in respect of the referendum is divided into three main areas: (a) identification and registration of those eligible to vote; (b) establishment of the conditions and modalities for a referendum campaign in which freedom of speech, assembly, movement and the press are guaranteed; and (c) conduct of the voting in a manner permitting participation by all eligible voters, without interference or intimidation, and ensuring the secrecy of the ballot. As may be recalled, the General Regulations for the Organization and Conduct of the Referendum in Western Sahara were issued on 8 November 1991 (S/26185, annex III), and the terms of reference of the Identification Commission on 26 April 1993 (ibid., annex II).

(a) Identification and registration of Saharan voters

30. As may be recalled, the identification process, launched by my Acting Special Representative in August 1994, came to a standstill late in 1995, as a result of the Frente POLISARIO's decision not to participate in the identification of members of tribal groupings H, I and J, except for persons included in the Spanish census of 1974 and their qualified family members. By December 1995, of a total of 77,058 persons convoked, 60,112 had been identified (a further 238 individuals who came before the Identification Commission were reclassified as members of a tribal group requiring identification on another occasion). Since all persons who have not yet been identified will be convoked once, including those who were convoked previously but not yet identified, some 117,000 persons remain to be convoked in accordance with the compromise agreement of the two parties, reached in London on 19 July 1997 (S/1997/742, annex I).

31. Under that agreement, the parties will not directly or indirectly sponsor or present for identification anyone from tribal groupings H41, H61 and J51/52 other than persons included in the 1974 census and their immediate family members, but the parties will not be obligated to actively prevent individuals from such tribal groups from presenting themselves. Identification of any such individuals who may present themselves is to proceed as soon as possible. Persons from all other tribal groups from census categories H, I and J may come forward to be identified. The parties acknowledge that, from the time of the original settlement plan, they have understood that credible oral testimony to the Identification Commission would be required, and they agree that in the identification process oral testimony will be received and considered by the Commission, as provided for in the plan.

32. The identification of potential voters in the referendum of Western Sahara is a highly intricate and time-consuming operation. As may be recalled, the 1974 Spanish census of the Territory divided the Saharan population into 88 tribes and sub-groups. Members of these groups are dispersed not only throughout Western Sahara, an area greater than the United Kingdom, but also in parts of Algeria, Mauritania and Morocco. As previously, identification sessions will have to be organized for almost every tribal sub-group at each centre, with two sheikhs present, one from each side, in addition to observers from Morocco, the Frente POLISARIO and OAU. To complete identification of all

remaining applicants, some 500 sessions will be required, with all the time and logistic complexity that this implies. A detailed programme has been drawn up which, with total cooperation on the part of both parties and no significant disruption due to weather conditions or any other causes, would permit completion of identification within 26 weeks, by 31 May 1998 (D - 1), and issuance of a consolidated list of Saharans judged eligible to vote by 7 June (D-Day). Following an estimated period of six weeks for the lodging and hearing of any appeals, the final list of eligible voters would be issued by the Special Representative on 26 July, upon authorization by me in consultation with the current Chairman of OAU as called for in the settlement plan (S/21360, para. 62).

(b) Referendum campaign

33. With regard to the establishment of the conditions and modalities for the conduct of the referendum campaign, the Special Representative will be assisted by a Referendum Commission (whose tasks are described in S/21360, paras. 63-66, and further detailed in S/22464 and Corr.1, paras. 25-31). This Commission will advise the Special Representative on measures necessary to ensure that the referendum is free and fair, without military or administrative constraints, and that there is no intimidation or interference in the referendum process. As with the Identification Commission, the two parties and OAU representatives will, as appropriate, be associated as official observers in the work of the Referendum Commission (S/22464 and Corr.1, para. 25). The Commission, whose terms of reference will be issued in due course, will become operational when the Identification Commission completes its work, upon issuance of the final list of eligible voters.

34. As stated by the parties in their Houston declaration of 16 September (S/1997/742, annex III), the Special Representative will be authorized to require that they will have equal access to all television and radio facilities for the purpose of broadcasting their respective views on the referendum. The Special Representative is to have access to television and radio facilities to the extent he deems appropriate, to disseminate publicly information about the referendum in order to inform all eligible voters about their rights and obligations.

35. Pursuant to the settlement plan (S/22464 and Corr.1, para. 29) and the code of conduct for the referendum campaign agreed to by the parties in Houston on 16 September (S/1997/742, annex III), the Special Representative will set the date for the commencement of the referendum campaign, which will be at such time as he is satisfied that all conditions are met for a free and fair campaign and which date will be three weeks prior to the date set for the referendum. No referendum campaign activities may commence prior to that date. Should these conditions be met by then, and the referendum set for 7 December 1998, the referendum campaign would thus take place from 16 November to 6 December. The code will govern the conduct and behaviour, during the referendum campaign, of the parties and persons or groups of persons approved by the Special Representative, supporting one or the other party participants in the referendum.

(c) Holding of the referendum and proclamation of its results

36. The Referendum Commission will also advise the Special Representative on the actual conduct of the referendum (S/21360, para. 65; S/22464 and Corr.1, para. 37). Under the settlement plan (S/22464 and Corr.1, para. 30), an adequate number of polling stations are to be established throughout the Territory in order to give all eligible Western Saharans the opportunity to vote in the referendum. Voting will take place only in the Territory. The precise location of voting centres and number of polling stations will be determined on the basis of the data collected during the registration of voters, as well as existing population centres and areas where returning Western Saharans have been located. For planning purposes, it is estimated that up to 250 polling stations would be established at voting centres in seven localities in the Territory, five west of the berm and two east of the berm. These arrangements, as with regard to the locations for Frente POLISARIO troop confinement (para. 19 above), are to be for the sole purpose of carrying out the referendum called for in the plan. They are not to alter in any way the internationally recognized boundaries of Western Sahara and are not to serve as precedent for any argument that such boundaries have been altered.

37. The action to be taken by MINURSO after the proclamation of the referendum result is described in paragraphs 75 and 76 of document S/21360. Every effort will be made to complete that action as expeditiously as possible. As indicated in paragraph 36 of document S/22464, UNHCR will maintain a presence in the Territory, as necessary, in order to fulfil its monitoring role for returnees in accordance with its internationally accepted responsibilities.

IV. PERSONNEL REQUIREMENTS OF THE MISSION AT FULL STRENGTH

38. According to the settlement plan (S/21360, paras. 48-49 and 77-82; S/22464 and Corr.1, paras. 10-11 and 39-50), MINURSO consists of a Civilian Unit, a Security Unit (made up of civilian police) and a Military Unit, and functions as an integrated operation under the overall authority of the Special Representative.

Civilian Unit

39. The Civilian Unit comprises the following main components: the office of the Special Representative, including political, legal and public information officers who will provide support to him in the exercise of his responsibilities and authority as well as in his liaison and coordination functions; the Identification and Referendum Commissions and their support staff; and an administrative component.

40. The present authorized level of civilian staff is 167 (22 Professional, 41 General Service, 39 Field Service and 65 local staff). With the Mission's expansion under resolution 1133 (1997), the total number of civilian personnel considered necessary for the resumption and completion of the identification process is 384 (94 Professional, 126 General Service, 63 Field Service, 6 Security Service and 95 local staff). The number of civilian police personnel required to assist the Identification Commission is 81. These requirements are

under consideration by the Advisory Committee on Administrative and Budgetary Questions.

41. For the full implementation of the settlement plan, it is considered that the present authorized staff level of the office of the Special Representative would remain sufficient and that this office would therefore not require additional posts. Nor would additional international staff be required for the Referendum Commission, as the latter would absorb qualified personnel of the Identification Commission. However, the administrative component would require 211 additional posts, of which 124 (31 Professional, 43 General Service and 50 Field Service posts) would be international, to strengthen the office of the Chief Administrative Officer and the administrative services functions, as well as the integrated support services to the military and civilian police components, in particular the supplies, land and air transport, movement control, engineering and communications services. This additional staff would have to be phased in between D - 18 and D - 10 weeks (1 February-31 March 1998). Approximately 750 polling officers would be deployed two weeks prior to the referendum, between 8 and 22 November 1998. It is envisaged that most polling officers would be contributed by Member States.

Military Unit

42. The tasks of the Military Unit of MINURSO are outlined in paragraph 81 of document S/21360. The Mission's original military requirements totalled 1,695 (all ranks), as follows: 550 military observers, an infantry battalion of 700, an air support group of 110 to operate and maintain four fixed-wing aircraft and eight transport helicopters, a signals unit of 45, a medical unit of 50, a composite military police company of 40 and a logistics battalion of 200 (S/22464 and Corr.1, para. 48). In my predecessor's report of 30 March 1995 (S/1995/240), it was considered that an engineering unit of about 100 (all ranks) would also be required to perform the following tasks: limited mine clearing, basic infrastructure repair, and the construction and operation of water points in specific areas essential to MINURSO operations.

43. Upon review, it has been determined that these requirements remain largely appropriate, although adjustments would have to be made to the size of certain units, as follows: 550 military observers, an infantry battalion of 800 comprising four deployable companies, a communication company of 130, a medical unit of 50, a military police company of 40, a logistics company of 130 and an engineering company of 150. The Mission's military component would thus total 1,850 (all ranks).

44. The military observers would be deployed in full strength between D - 4 weeks and D - 1 week. In the original timetable, the infantry battalion was to be deployed during the reduction phase of the Moroccan forces present in the Territory, immediately before the implementation of the repatriation programme (S/22464 and Corr.1, para. 49). However, in reviewing the deployment plan, it has been determined that it would not be logistically possible to deploy the infantry battalion during that phase, as useable infrastructure is limited to one main road in the Territory and one main port (Agadir). To ensure orderly deployment and assist MINURSO military observers in their monitoring tasks, it is considered necessary to phase in the infantry battalion before the reduction

of Moroccan forces, i.e., between D - 3 weeks and D-Day. If so, the logistics and other military support units would have to be deployed between D - 10 and D - 8 weeks (30 March-12 April), with the exception of the engineering company which should be phased in from 1 February (D - 18), to start its demining and other required tasks.

Civilian Police Unit

45. The security and monitoring functions of the MINURSO civilian police are outlined in paragraph 79 of document S/21360. Relevant directives are also provided in paragraphs 6, 7, 9 and 15 of the code of conduct for the referendum campaign (S/1997/742, annex III).

46. According to the original requirements (S/22464 and Corr.1, para. 46), the civilian police component of MINURSO was to total 300 officers. As indicated in paragraph 40 above, 81 civilian police officers are currently required to assist the Identification Commission in its tasks. While taking into account the fact that security would also be provided by the Military Unit (infantry battalion) of MINURSO (para. 24 above), it is considered that 319 additional civilian police officers would be required for fulfilment of their tasks under the settlement plan, bringing the total strength of the Civilian Police Unit to 400. Of these, the Police Commissioner would require as soon as possible the services of 20 officers to manage the civilian police district headquarters in Laayoune and Tindouf and to provide back-up support to the civilian police deployed at the various centres during the identification process. The remaining officers would be phased in during the transitional period, in close coordination with the UNHCR repatriation programme. The Special Representative will continue to keep the civilian police requirements under review.

V. FINANCIAL ASPECTS

47. By its resolution 51/2 B of 13 June 1997, the General Assembly appropriated $30,229,800 gross for the maintenance of MINURSO, at its current strength, for the period from 1 July 1997 to 30 June 1998, to be assessed at the monthly rate of $2,519,150 gross, subject to the decision by the Security Council to extend the mandate of the Mission. I shall submit an addendum to this report shortly, to provide the financial implications for the full deployment of MINURSO as outlined in paragraphs 41 to 46 above. In this regard, resources in preparation for the transitional period, as indicated in paragraph 54 below, will be requested from the General Assembly.

48. As at 7 November 1997, unpaid assessed contributions to the MINURSO special account for the period since inception to 20 October 1997 amounted to $45.6 million. The total outstanding assessed contributions for all peacekeeping operations as at 7 November 1997 was $1,620.3 million.

VI. OBSERVATIONS AND RECOMMENDATIONS

49. This is the first time since the establishment of the settlement plan (S/21360 and S/22464 and Corr.1) that it has been possible to undertake an exhaustive and concrete review of the practical steps required to fulfil the United Nations mandate in Western Sahara. The plan and timetable proposed in the present report are the results of this review. As a paramount requirement, the provisions of the settlement plan and agreements reached during the direct talks between the parties were fully respected. Inevitably, however, some adjustments to the 1991 original timetable had to be made, in order to take the following requirements into account: that the referendum be held before the end of 1998; that appropriate time be given to UNHCR to implement its repatriation programme; and that the originally agreed time required for the reduction of Moroccan troops present in the Territory and for the referendum campaign be maintained.

50. I should like to stress that the proposed plan and timetable are based on a best-case scenario, that is, on the assumption that MINURSO and UNHCR will be provided with all the financial resources necessary to deploy in a timely manner, that full authority for implementation of the settlement plan and the agreements reached is vested in the Special Representative as called for in the plan, that the two parties and the two observer countries will cooperate fully with MINURSO, and that the Security Council will continue to extend its full support for fulfilment of the United Nations mandate in Western Sahara.

51. Unless all these essential conditions are met throughout the implementation of the settlement plan, it will not be possible to hold the referendum before the end of 1998, if at all. In this connection, I count especially on the full cooperation of the Government of Morocco and the Frente POLISARIO leadership with respect to all aspects of the plan, including the resumption and completion of the identification process, maintenance of the ceasefire and the reduction and confinement of troops, the release of prisoners of war and Saharan political detainees, the voluntary repatriation of all Saharans eligible to vote and their immediate families, and facilitation of the referendum campaign. All these steps are aimed at achieving the ultimate objective of the plan, which is to enable the people of Western Sahara to exercise their right to self-determination by choosing, in a free, fair and transparent referendum, between independence and integration with Morocco.

52. As may be recalled, my Personal Envoy concluded after his exploratory mission in late April 1997 that neither Morocco nor the Frente POLISARIO wished to pursue any political solution other than implementation of the settlement plan. This means that, in the view of the parties, the referendum under the plan remains the best framework for settling the Western Sahara conflict. It is therefore incumbent upon the parties to abide fully by the letter and spirit of the plan and agreements reached during their direct talks, including respect for the sole and exclusive responsibility of the United Nations for all matters relating to the organization and conduct of the referendum. As underlined in my previous report (S/1997/742), only the genuine commitment of the parties will determine whether it is possible to fulfil the objectives of the plan. At this important juncture, I urge the parties to refrain from any statement or action which could create tension or undermine the process leading to the referendum.

53. It should also be emphasized that, in view of a few as yet undetermined variables, the time allotted for some of the implementation stages is indicative and may eventually be shorter or longer than that foreseen in the present report. This concerns in particular the period required for repatriation, which will obviously depend on the final number of potential voters and their immediate families who would wish to return to the Territory. In accordance with the authority conferred to him under the settlement plan, my Special Representative will determine, in consultation with me, whether circumstances require any alteration in the timetable.

54. The timely and successful resumption and completion of the identification process will be a determining factor for the start of the transitional period and full implementation of the settlement plan. It is important to note, however, that in addition to the conditions set out in paragraphs 50 and 51 above, all the administrative and logistic steps required for fulfilment of the plan must be taken in a timely manner so that the referendum may be held before the end of 1998. If D-Day is to be declared on 7 June as proposed in the timetable annexed to the present report, all advance deployment and preparatory work requiring financial commitment from the General Assembly would need to commence by 19 January 1998.

55. On this basis, I recommend that the Security Council authorize the expansion of MINURSO for the full implementation of the settlement plan as outlined in this report, in order to enable contributing Member States and the Mission to proceed on time with preparations for full deployment.

56. Pursuant to resolution 1133 (1997), I shall report regularly to the Security Council on progress made in the implementation of the settlement plan and the agreements reached between the parties. In this connection, it is my intention to provide to the Council, by 15 January 1998, detailed information on the progress of the identification operation which is to be resumed on 1 December 1997, and to confirm that the transitional period may start on 7 June 1998 as planned.

57. In conclusion, I wish to pay tribute to my Acting Special Representative for his effective leadership of the Mission since March 1994 and for his untiring efforts in moving the peace process forward, in particular his contribution to the achievements made so far in the identification process and to the success of the direct talks under the auspices of my Personal Envoy. I also pay tribute to the Force Commander and to all the MINURSO staff for their contribution to peace in Western Sahara.

Annex I

Composition of the military component of the United Nations Mission for the Referendum in Western Sahara

	Authorized strength as at 7 November 1997		
	Military observers	Support units	Total
Argentina	1		1
Austria	4		4
Bangladesh	6		6
China	16		16
Egypt	19		19
El Salvador	2		2
France	25		25
Ghana	6	7[a]	13
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	8		8
Malaysia	13		13
Nigeria	5		5
Pakistan	5		5
Poland	3		3
Portugal	4		4
Republic of Korea	0	14[b]	14
Russian Federation	25		25
Uruguay	13		13
United States of America	15		15
Venezuela	3	—	3
Total	202	21	223

[a] Force orderly room.

[b] Medical personnel.

Annex II

Estimated timetable for the implementation of the settlement plan

Date	Action
21 October-30 November 1997 (D - 33 to D - 27)	Preparations for the resumption of the identification operation.
1 December 1997-31 May 1998 (D - 27 to D - 1)	Identification operation (remaining applicants are interviewed by the Identification Commission).
By 16 December 1997 (D - 25)	UNHCR finalizes the repatriation plan.
4 January-7 June 1998 (D - 22 to D-Day)	UNHCR staff and equipment are phased in.
4 January-19 July 1998 (D - 22 to D + 6)	UNHCR preparation of departure and reception sites for repatriation.
Not later than 19 January 1998 (D - 20)	Start of bidding for MINURSO requirements (including food, water, fuel, transport services, refurbishing of sites). UNHCR issues special appeal for funds.
1 February-30 March 1998 (D - 18 to D - 10)	Phase-in of additional administrative staff needed during the deployment and later in support of the deployed military formed units.
1-14 February 1998 (D - 18 to D - 16)	The engineering unit (demining capability) is deployed.
1 February-12 April 1998 (D - 18 to D - 8)	Collection of information on minefields at designated repatriation routes and sites. Demining of specific routes and sites for the deployment of additional military observers and formed units, to construct additional team sites and prepare areas for the construction of military camps.
15 February-22 August 1998 (D - 16 to D + 11)	Potential returnees are interviewed and registered by UNHCR.
30 March-12 April 1998 (D - 10 to D - 8)	The logistics units are deployed.
30 March 1998 (D - 10)	UNHCR starts planning reintegration and rehabilitation programme.
13 April-25 July 1998 (D - 8 to D + 7)	Demining of designated repatriation routes and sites is completed.

Date	Action
11-31 May 1998 (D - 4 to D - 1)	The balance of the military observer component is phased in.
18 May-7 June 1998 (D - 3 to D-Day)	The infantry battalion is phased in.
1 June 1998 (D - 1)	Each party informs the Secretary-General of the strength and location of its military forces.
7 June 1998 (D-Day)	The transitional period begins. The consolidated list of Saharans judged eligible to vote is published in the Mission area, together with instructions for appeals against non-inclusion of names in the published list. Troop confinement begins.
7 June-22 August 1998 (D-Day to D + 11)	Moroccan forces present in the Territory are reduced to a maximum of 65,000 and confined to designated locations.
By 14 June 1998 (D + 1)	Amnesties for Saharan political detainees as well as returnees are proclaimed by the Government of Morocco. Any and all Saharan political detainees are released. Prisoners of war are released under ICRC auspices.
20 June 1998 (D + 2)	Deadline for submission of any appeals regarding the list of persons judged eligible to vote.
21 June-20 July 1998 (D + 2 to D + 6)	The Identification Commission hears appeals.
20 July-8 November 1998 (D + 6 to D + 22)	The balance of the civilian police component is phased in, in coordination with the repatriation of Saharans eligible to vote.
26 July 1998 (D + 7)	The Special Representative issues the final list of voters as approved by the Secretary-General.
Not later than 1 August 1998 (D + 8)	Paramilitary units in the existing police are neutralized. All laws or measures that could obstruct a free and fair referendum are suspended.
2 August 1998 (D + 8)	On the basis of the final list of eligible voters and of each voter's wish to return, UNHCR starts repatriation to specific areas where troop reduction and confinement have been completed.

Date	Action
Not later than 22 August 1998 (D + 11)	Troop confinement is completed, including POLISARIO combatants whose names are not in the final list of eligible voters. UNHCR continues with repatriation at full strength.
8-22 November 1998 (D + 22 to D + 24)	Polling staff is phased in.
By 15 November 1998 (D + 23)	Repatriation is completed.
16 November-6 December 1998 (D + 23 to D + 26)	The referendum campaign takes place.
7 December 1998 (D + 26)	Referendum.
Within 72 hours	The referendum results are proclaimed.
Immediately thereafter	The withdrawal of MINURSO personnel begins. UNHCR starts rehabilitation and reintegration programme.
January 1999	MINURSO's monitoring responsibilities arising from the referendum results are completed. Remaining MINURSO personnel withdraw from the Mission area.

Map No. 3691 Rev. 14 UNITED NATIONS
November 1997

Department of Public Information
Cartographic Section